



**PLAINTIFF'S MOTION FOR PARTIAL  
SUMMARY JUDGMENT**

*Pulliam v. County of Fort Bend, Texas, et al.*

Case No. 4:22-cv-4210

**EXHIBIT 15**

<p style="text-align: center;">GENERAL ORDER</p> 	<p><b>Effective:</b> 06-01-17</p>	<p style="text-align: center;"><b># 05-04</b></p>
	<p><b>Section:</b> Equipment and Technology</p>	<p><b>Replaces or Modifies:</b> GO 27</p>
	<p><b>Title:</b> Social Media and Related Communications</p> <p><b>Issued by:</b> Chief Deputy D. Marcaurele </p>	

**Purpose:**

To establish Fort Bend County Sheriff's Office (FBCSO) standards and procedures concerning use of social media in relation to legitimate concerns of a law enforcement agency as they relate to the reputation and perception of the FBCSO and its impact on public confidence.

**Policy:**

All employees will follow the guidelines found in the General Order as they relate to Social Media.

**Definitions:**

Social Media – Online sources that allow people to communicate and share information such as photographs, text, video, multimedia files and related items via online or cellular network platforms. In this General Order this also includes social networking platforms including but not limited to facebook, twitter, youtube, blogs....

**Procedure:****I. Guidelines**

- A. Employees are prohibited from using FBCSO equipment (computers, networks, cell phones) to conduct social media activities unless the use is for authorized investigative duties, authorized public information duties, or as authorized on a case by case basis by the Sheriff, Chief Deputy, or a Major.
- B. Authorized investigative duties are limited to situations where use is associated with a particular investigative strategy concerning suspected criminal activity and in association with an official investigation being conducted by the FBCSO.
- C. Authorized public information duties are those conducted by the FBCSO Public Information Officers and others specifically authorized by the Sheriff, Chief Deputy, or the Major over the Public Information Function.
- D. Employees may check personal social media while on duty only if authorized to do so by the Sheriff, Chief Deputy, or a Major and then only on a de minimus basis. Employees are reminded that they have no right to privacy if they choose to access social media via FBCSO equipment.
- E. Unless granted specific authorization by the Sheriff, Chief Deputy, or Major over the Public Information Function employees are prohibited from posting any of the following on social media (this includes on duty and off duty) – posting includes but is not limited to text, photos, audio, video or other related multimedia files
  1. Anything that states or implies that the views, conclusions, statements or other social media content are an official policy, statement, position, or communication of the FBCSO.
  2. Anything that divulges information obtained by reason of their employment (examples include but are not limited to information about current and past

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**Social Media and Related Communications**

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- investigations, internal operations of the FBCSO, security protocols)
- 3. Representations of any type of logos, badges, seals, uniforms, vehicles, letterhead, or symbols affiliated with the FBCSO
- 4. Anything that identifies themselves as an employee of the FBCSO including but not limited to rank and/or title
- 5. Anything that reflects negatively on the professionalism that should be associated with a member of a law enforcement agency (this includes but is not limited to items that are patently offensive due to written content and or visual/audio representation)
- 6. Anything that reflects negatively on the FBCSO or its mission as a law enforcement agency / county jail. This includes anything that states opinions/views of an employee that may tend to undermine public trust or confidence in the FBCSO
- 7. Text, photograph, audio, video, or other multimedia file of weapons owned by the FBCSO
- 8. Any item posted that violates law or another General Order

## II. Access to Social Media

- A. The Chief Deputy may order an employee to provide access to his/her social media in connection with an internal administrative investigation. Further, an employee may also be ordered to provide a listing of all social media he/she participates in or participated in as it relates to an internal administrative investigation.
- B. All applicants for employment are required to list all social media in which they participate or maintain. Further applicants are required to provide the background investigator with access to all of their social media in which they participate or maintain.

## III. FBCSO Official Social Media

- A. The Major over the Public Information function shall oversee all official FBCSO social media and interactions subject to direction from the Sheriff and Chief Deputy
- B. This Major may delegate duties as appropriate

## IV. Constitutional Rights

- A. Nothing in the General Order may be used to prevent an employee from exercising his/her rights of free speech under the 1<sup>st</sup> Amendment to the United States Constitution.
- B. An investigation into potential violations concerning social media postings must establish the following in order for a sustained violation to be found as it relates to this section
  - 1. If it is determined that the speech is not a matter of public concern, then it is not protected speech under the 1<sup>st</sup> Amendment and violation may be sustained.
  - 2. If it is determined that the speech is a matter of public concern; however, the speech impairs discipline by superiors or harmony among co-workers, has a detrimental impact on close working relationships for which personal loyalty and confidence are necessary, or impedes the performance of the speaker's duties or interferes with the regular operation of the FBCSO – then it is not protected speech under the 1<sup>st</sup> Amendment and violation may be sustained.
- C. Speech in this section includes all aspects of information posting/sharing on social

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V. Related Communications

- A. The concepts of communication found in this General Order also apply to other forms of communication even if they do not take place in a social media environment. Examples of related communications include but are not limited to written, video, and/or audio communication sent via any mail system or other delivery mode (including verbal communication)
- B. When determining if a violation occurs provisions of Section IV are applicable to all communications.

VI. Only the Sheriff or Chief Deputy may authorize exceptions to this General Order.

<p>GENERAL ORDER</p> 	Effective: 10-01-2021	# 05-04
	Section: Equipment and Technology	Replaces or Modifies: GO 27
	<p>Title: Social Media and Related Communications</p> <p>Issued by: Chief Deputy Mattie Provost</p>	

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**Social Media and Related Communications**

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